



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

July 29, 2014

Mr. Jeffrey Lippert
United States Environmental Protection Agency
Region 5
9311 Groh Road
Grosse Ile, Michigan 48138

Dear Mr. Lippert:

SUBJECT: Whittier Cleaners Site
15010 Charlevoix Street, Grosse Pointe Park, Wayne County, Michigan
MERA No. 82002884
Applicable, Relevant, and Appropriate Requirements

This letter is in response to your Applicable, Relevant, and Appropriate Requirements (ARAR) letter dated July 29, 2014, requesting that the Department of Environmental Quality (DEQ) identify all ARARs in regards to the proposed cleanup at the subject site. As described in your letter, the United States Environmental Protection Agency (EPA) will be funding a time critical removal action to remove, consolidate, and properly dispose of wastes, which are considered hazardous. The material(s) are likely to be Resource Conservation and Recovery Act (RCRA) characteristic or listed wastes. In the letter, EPA also proposes to conduct further investigation into possible vapor intrusion/soil gas issues.

The DEQ has identified the following statutes and their promulgated regulations that may represent ARARs for the proposed actions. The likely ARARs include, but are not limited to:

1. The DEQ cleanup criteria found in Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the Part 201 Administrative Rules. Including, but not limited to:
 - a. Section 324.20114,
 - b. Section 324.20114c,
 - c. Section 324.20120,
 - d. Section 324.20120a, and
 - e. Section 324.20120c
2. Protection of natural resources found in Part 17, Environmental Protection, of the NREPA, and the Part 17 Administrative Rules.

3. Waste handling regulations found in Part 111 and Part 121, of the NREPA, and the Part 111 and Part 121 Administrative Rules. Including, but not limited to:
 - a. Rule 302 and 303 of the Part 111 Rules, and
 - b. Section 324.12103

Three potential areas not specifically addressed in your letter include the handling of fugitive dust, the direct contact of soils, and the protection of waters of the State. The state regulations governing these three issues are:

1. Fugitive dust found in Part 55, Air Pollution Control, of the NREPA, and the Part 55 Administrative Rules.
2. Direct contact of soils found in Part 201 of the NREPA, and the Part 201 Administrative Rules.
3. Protection of waters of the State found in Part 31, Water Resources Protection, of the NREPA, and the Part 31 Administrative Rules.

If you have any questions regarding this matter, please contact me at 586-753-3816; churchillk1@michigan.gov; or DEQ, Remediation Division, Southeast Michigan District Office, 27700 Donald Court, Warren, Michigan, 48092.

Sincerely,



Kim M. Churchill, Environmental Analyst
Remediation and Redevelopment Division
Southeast Michigan District Office
586-753-3816
churchillk1@michigan.gov

cc: Mr. Paul Owens, DEQ
Mr. Gerald Tiernan, DEQ